

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.)	
)	
Plaintiff,)	Case No. CV 08-03573 MRP (CTx)
)	
v.)	
GENENTECH, INC. and CITY OF HOPE)	DEFENDANT GENENTECH, INC.’S
)	NOTICE OF MOTION AND
Defendants.)	MOTION TO AMEND THE
)	STIPULATED PROTECTIVE
)	ORDER
GENENTECH, INC. and CITY OF HOPE)	
)	
Counter-Plaintiffs,)	
)	
v.)	
CENTOCOR ORTHO BIOTECH, INC.)	
)	
Counter-Defendant)	
)	
AND)	
)	
GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC, AND JOM PHARMACEUTICAL SERVICES, INC.)	
)	
Third-Party Defendants.)	

PLEASE TAKE NOTICE THAT at 11:00 a.m. on July 19, 2010, or as soon thereafter as the matter can be heard, before The Honorable Marianna R. Pfaelzer, in Courtroom 12 or the United States District Court for the Central District of California, Defendant Genentech, Inc. will and hereby does move to amend the Stipulated Protective Order to add the following paragraph:

“26. Notwithstanding the foregoing, certain Confidential Material produced by Centocor consisting of (1) the Patent License Agreement between Celltech Therapeutics Limited (“Celltech”) and Centocor dated March 31, 1998; (2) the Patent License Agreement between UCB Pharma S.A./UCB Celltech and Centocor dated October 1, 2008; (3) correspondence between Centocor and Celltech concerning such agreements; and (4) testimony concerning such agreements Genentech (collectively the “Potential Arbitration Confidential Material”) shall be divulged to Williams & Connolly LLP, outside counsel to Genentech, for the purposes of investigating and, if deemed appropriate, noticing and commencing an arbitration proceeding against UCB Celltech and/or its subsidiaries (the “Genentech/Celltech Arbitration”). The Potential Arbitration Confidential Material shall only be disclosed to any other party in conformity with appropriate procedures and orders entered by an arbitration tribunal to protect the confidentiality of the Potential Arbitration Confidential Material. Within thirty (30) days of the conclusion of the Genentech/Celltech Arbitration, including any

appeal therefrom, Genentech shall inform Centocor of the conclusion of the arbitration and Centocor shall have the option to request the procedure enumerated in ¶ 21 of this Stipulated Protective Order, with Genentech able to take advantage of the exceptions contained therein.”

This motion is based on this Notice of Motion and Motion, the attached Joint Stipulation, the pleadings and papers on file in this action, and the oral argument at the hearing on the motion.

Pursuant to Local Rule 37-1, Genentech served a meet-and-confer demand letter on Centocor on June 4, 2010. In the meet-and-confer conference call that occurred on June 14, Genentech repeated its willingness to ensure that the discovery materials remain confidential. Centocor again refused to consent to the modification, thus requiring the filing of this Motion.

Dated: June 28, 2010

By: /s/ Marcus E. Sernel

Mark A. Pals, P.C.

Marcus E. Sernel

KIRKLAND & ELLIS LLP

300 North LaSalle Street

Chicago, IL 60654

Daralyn J. Durie

Mark Lemley

DURIE TANGRI PAGE LEMLEY

ROBERTS & KENT LLP

332 Pine Street, Suite 200

San Francisco, CA 94104

Attorneys for Genentech, Inc.